

60130-1370
00MRA0195**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Rainer Grimm, et al.
Serial No.: 10/089,032
Filed: March 26, 2002
Group Art Unit: Unknown
Examiner: Unknown
Title: VEHICLE DOOR

RENEWED PETITION UNDER RULE 37 CFR 1.47(a)

This Request for Reconsideration is in response to the Decision Refusing Status under 37 CFR 1.47(a) mailed April 17, 2003. Gregory Keyes, the missing inventor, was employed by Meritor, and under an obligation to assign inventions to Meritor. Mr. Keyes has left Meritor and has not been located.

Applicant previously submitted (1) the fee under 27 CFR 1.17(h) and (3) a statement of the last known address of the missing inventor. The Decision on Petition states that (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort needs to be submitted. The Decision on Petition also states that (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the non-signing joint inventor needs to be submitted.

Applicant has submitted factual proof that the missing inventor Gregory Keyes cannot be reached after diligent effort. Petitioner is submitting an affidavit signed by Horst Schumacher of Grosse Bockhorni Schumacher (Grosse) in Germany summarizing the efforts taken to locate Mr. Keyes and to obtain Mr. Keyes' signature for the declaration for this patent application. Grosse also send a copy of the complete patent application having serial number 10/089,032, a preliminary amendment, a declaration, and an assignment to Mr. Keyes at his last known address by registered letter (**Exhibit A**) on August 16, 2002. A declaration signed by Horst Schumacher is attached. The registered letter had registration number 07 6567 3284 7DE. The registered letter was delivered on

August 24, 2002 and appears to be signed by Gregory Keyes. A copy of the delivery receipt signed by Mr. Keyes is attached as **Exhibit B**. A translation of the delivery receipt and a certification of the translation are attached as **Exhibit C**. Grosse also tried to find the phone number associated with Mr. Keyes' last known address. The German telephone company Deutsche Telekom stated that there was no known telephone number for Mr. Keyes at this address. Grosse never heard any response from Mr. Keyes. The declaration of Horst Schumacher stating these facts is attached. To date, we have heard no response from Mr. Keyes.

Grosse sent another letter to Mr. Keyes by registered letter at his last known address on June 3, 2003 attached as **Exhibit D**. The correspondence included the complete patent application having serial number 10/089,032, a preliminary amendment, an assignment, and a declaration. The registered letter had registration number 07 3722 5004 5DE. A copy of the registered letter receipt is attached as **Exhibit E**. To date, we have heard no response from Mr. Keyes.

Applicant also submitted an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the non-signing joint inventor. Each of the inventors were presented with a complete copy of the declaration. The Decision on Petition states that the declaration filed on August 26, 2002 is not in acceptable form as the declaration includes multiple duplicate sheets. The Decision states that is unclear if the inventors were presented with only their signature page or if they were presented with a complete declaration for signing that was later compiled into a single document. A complete copy of the declaration was presented to each inventor, and the entire inventive entity appeared in the declaration as signed by the inventors. In response to the Decision, Applicant has submitted herewith complete declarations. The resubmitted declarations do not include any duplicate sheets.

Petitioner respectfully asks for reconsideration of the petition. Petitioner has presented evidence that diligent efforts have been made to locate Mr. Keyes. No further fees are required. However, if any fees are required, the Commissioner is authorized to charge Deposit Account No.

50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.



Karin H. Butchko
Registration No. 45,864
Attorneys for Applicant
400 West Maple Road, Suite 350
Birmingham, Michigan 48009
(248) 988-8360

Dated: June 17, 2003

CERTIFICATE OF MAILING

I hereby certify that this Renewed Petition Under Rule 37 CFR 1.47(a) and accompanying documents are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450 on this 17th day of June 2003.



Karin Butchko

N:\Clients\MERITOR\IP01370\Patent\renewedRequestforreconsideration1.47.doc

AFFIDAVIT OF HORST SCHUMACHER

I, Horst Schumacher, being warned that willful false statements and the like are punishable by fine or imprisonment or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or patent issuing thereon, declare that all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

1. I am a patent attorney at Grosse Bockhorni Schumacher, a German law firm.
2. Grosse Bockhorni Schumacher, previously acting as Palgan, Schumacher & Hollegen and Konig, Palgen, Schumacher Kluin, has been attempting to locate Gregory Keyes regarding several patent applications we have filed.
3. We sent correspondence to Mr. Keyes by registered letter at his last known address on August 16, 2002. The correspondence included the complete patent application having serial number 10/089,032, a preliminary amendment, an assignment, and a declaration. The registered letter had registration number 07 6567 3284 7DE. The registered letter was delivered on August 24, 2002 and the receipt appears to be signed by Mr. Keyes.
4. We tried to find the phone number associated with Mr. Keyes' last known address. The German telephone company Deutsche Telekom informed us that there was no known telephone number for Mr. Keyes at this address.
5. To date, Mr. Keyes has not responded to our letter dated August 16, 2002.
6. We sent another correspondence to Mr. Keyes by registered letter at his last known address on June 3, 2003. The correspondence included the complete patent application having serial number 10/089,032, a preliminary amendment, an assignment, and a declaration. The registered letter had registration number 07 3722 5004 5DE

7. To date, Mr. Keyes has not responded to our letter dated June 3, 2003

June 16th, 2003
Date

Horst Schumacher
Horst Schumacher

PALGEN, SCHUMACHER & KOLLEGEN
P A T E N T A N W Ä L T E

VIA REGISTERED LETTER

Mr. Gregory Keyes
28 Inverclyde Road
Handsworth Wood
Birmingham, B20 2LJ

Great Britain

07 6567 3284 7DE

DIPL.-PHYS. DR. PETER PALGEN
DIPL.-PHYS. DR. H. SCHUMACHER

P A T E N T A N W Ä L T E
EUROPEAN PATENT ATTORNEYS
EUROPEAN TRADEMARK ATTORNEYS

Essen, August 16, 2002

Our reference:

102 089 HS/MB

Meritor File No.: 00MRA0195

United States National Phase Patent Application Ser. No. 10/089,032

following International Patent Application PCT/EP00/09528

Keyword: X-EXTENDED MODULE SHEET

Dear Mr. Keyes:

In the above-identified case please find enclosed a copy of the above-mentioned U.S. patent application (document WO 01/23203) as well as a copy of the Preliminary Amendment filed with the U.S. Patent and Trademark Office.

As a further enclosure please find the Assignment and Declaration/Power of Attorney (in duplicate) for signature.

Please return the signed documents to our office in Essen as soon as possible.

Furthermore we kindly ask you to give a short information about your new address.

Kind regards,
PALGEN, SCHUMACHER & KOLLEGEN

MB
for (Dr. Horst Schumacher)

Encl.

Deutsche Post AG

Entreprise des Postes allemandes S. A.

Rückschein / Auszahlungsschein / Gutschriftsanzeige

Avis de réception / Avis de paiement / Avis d'inscription

Einlieferungsfiliale Bureau de dépôt

Datum / Date

16/8/02

Empfänger der Sendung / Destinataire de l'envoi

M. Geyer Meyer, SB

Art der Sendung / Nature de l'envoi

☒ Brief/Vorhang

☐ Letzter/Prioritaire

☐ Paket

☐ Colle

☒ Einschreiben
Recommandé

☐ Wertangabe
Valeur déclarée

Einlieferungs-Nr. der Sendung / N° de l'envoi

Beitrag / Montant

Gewöhnliche Anweisung / Mandat ordinaire

Beitrag / Montant

Zahlkarte /
de versement

Auslieferungsnachweis /
Chèque d'assignation

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Fachfamilie

Palmer Schumacher & Kollegen

Straße und Hausnummer / Rue et n°

Truhengasse 43D

Ort und Land / Localité et pays

D-45133 Essen

Gernsey

1.98

915-005-000



+49-201-8423020

10/02/2003 12:37

REINHAUHPATENT



RALPH MCELROY TRANSLATION COMPANY

EXCELLENCE WITH A SENSE OF URGENCY®

May 9, 2003

Re: 6089-93166

To Whom It May Concern:

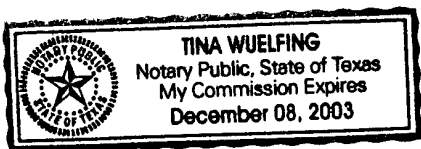
This is to certify that a professional translator on our staff who is skilled in the German language translated the enclosed Form from German into English.

We certify that the attached English translation conforms essentially to the original German language.

Kim Vitray

Kim Vitray
Operations Manager

Subscribed and sworn to before me this 9 day of May, 2003.



Tina Wuelfing

Tina Wuelfing
Notary Public

My commission expires: December 8, 2003

sales@mcelroytranslation.com
www.mcelroytranslation.com

(512) 472-6753
1-800-531-9977

910 WEST AVE.
AUSTIN, TEXAS 78701



FAX (512) 472-4591
FAX (512) 479-6703

[Form]

Job No.: 6089-93166
Translated from German by the Ralph McElroy Translation Company
910 West Avenue, Austin, Texas 7801 USA

Ref.: 60,130-1370

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	16/8/02
Empfänger der Sendung / Destinataire de l'envoi	
Mr. Gregor Meyer, S.B.	

Art der Sendung / Nature de l'envoi

<input checked="" type="checkbox"/> Brief/Vorhang Lettre/Prioritaire	<input type="checkbox"/> Paket Colis
<input checked="" type="checkbox"/> Einschreiben Recommandé	<input type="checkbox"/> Wertangabe Valeur déclarée
Einlieferungs-Nr. der Sendung / N° de l'envoi	Beitrag / Montant
Gewöhnliche Anweisung / Mandat ordinaire	Beitrag / Montant
Zahlkarte / Auslieferungsnachweis / de versement Chèque d'assignation	

Am Bestimmungsort auszufüllen / A compléter à destination

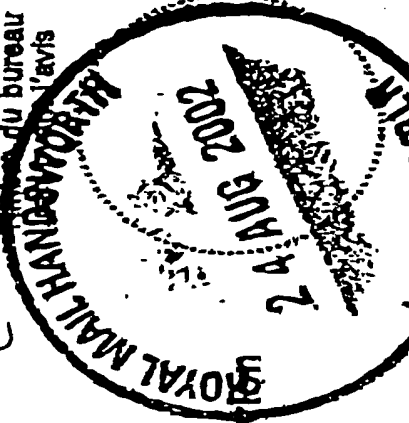
Der o. g. Betrag wurde ordnungsgemäß / L'envoi mentionné ci-dessus a été dûment	<input type="checkbox"/> ausgehändigt remis	<input type="checkbox"/> ausgezahlt payé	<input type="checkbox"/> dem Postbankkonto gutgeschrieben inscrit en CCP
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③ Postache
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Stempel des Postamts,
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zu bringen an das bureau
d'avis



④ Luftpost
Prioritaire Par avion

⑤ Zurücksenden an / Renvoyer à / Return to

Name oder Firma / Nom ou raison sociale	Patentanwalt
Strasse und Hausnummer / Rue et n°	Palmen-Schumacher-Strasse 43D
Ort und Land / Localité et pays	D-45133 Essen
	Germany

⑥ 1.98

915-005-000

[Key to previous page:]*

- 1 Deutsche Post AG
- 2 Notice of delivery
- 3 Mailing branch – Date: August 16, 2002
- 4 Receiver of the shipment
- 5 Mr. Gregory Keyes, SB
- 6 Postal service, stamp of the post office that returns the notice
- 7 Type of shipment
- 8 (X) Priority letter – () package
- 9 Airmail
- 10 Registered
- 11 Declared value
- 12 No. of shipment
- 13 Amount
- 14 Return to
- 15 Ordinary postal order – amount – giro payment form – proof of delivery
- 16 Name or firm – patent attorneys Palgren, Schumacher & Colleagues
- 17 The above amount was duly – delivered – paid – credited to the postal bank account
- 18 Street and house number – Frühlingstrasse 43A
- 19 Date and signature [signature] – August 24, 2002
- 20 Place and country – D-45133 Essen, Germany
- 21 * This notice can be signed by the recipient or, if the regulations of the country of destination so permit, by another authorized person or the agent of the destination office.
- 22 To be filled out by the sender

* [Editor's note: Multilingual form - only German translated]

GROSSE·BOCKHORN·SCHUMACHER

80 years of service

EUROPEAN PATENT & TRADEMARK ATTORNEYS PATENT- & RECHTSANWÄLTE
MÜNCHEN · ESSEN · LEIPZIG · ALICANTE

Patentonwälte / Patent Attorneys

Dipl.-Ing. Wolfgang Grosse / M
 Dipl.-Ing. Josef Bockhorn / M
 Dipl.-Phys. Dr. Peter Patgan / E
 Dipl.-Phys. Dr. Horst Schumacher / E
 Dipl.-Ing. Dr. Christian Lang / M
 Dipl.-Ing. W. Herrmann-Trentepohl / E*
 Dipl.-Ing. Johannes Dielerle / L
 Dipl.-Ing. Dr. Michael Bergmann / E

* Consultant

Rechtsanwälte / Lawyers

Dipl.-Ing. Martin Missethorn / M
 Dipl.-Ing. Thilo Raible / M
 Dipl.-Ing. Silke Rothe / L
 Ute Grosser / M

per Einschreiben/registered mail

Mr. Gregory Keyes
 28, Inverclyde Road
 Handsworth Wood

Birmingham B20 2LJ
 Great Britain

Antwort erbeten nach Essen,

3. Juni 2003 (HS/CB)

United States National Phase Patent Application 10/089,032**Keyword: Y-EXTENDED MODULE SHEET****Titel: Vehicle door****Our ref: T 102 0089 US**

Dear Mr. Keyes:

according to our registered mail dated August 16, 2002, copy enclosed for your easy reference, we forward again U.S. Patent Application (document WO 01/23203), the Preliminary Amendment filed with the U.S. Patent and Trademark Office,

**Assignment and Declaration/Power of Attorney (in duplicate)
 for signature.**

Please return the signed documents to our office in Essen as soon as possible, i.e. until

17. June 2003.

Very truly yours,

gez. Schumacher

Dr. Horst Schumacher
 (Patent Attorney)

Encls.:

As mentioned above